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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1971

No. 71-409

ALFORD COLLINS,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

PETITIONER'S REPLY MEMORANDUM

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The Government argues that Ehlert answers the question raised in the Petition when it stated that Congress only granted an unconditional right to exemption from combatant service.

First, your petitioner is claiming a violation of a constitutional right—the constitutional right of being entitled to "equal protection of the law"—a contention that the Government wholly fails to comment upon.

Secondly, Ehlert doesn't serve to answer the question raised by petitioner, but to the contrary, serves to amplify the constitutional violation existing in the statute if the Ehlert decision stands unmodified.

Said constitutional violation would follow from the construction of the statute which would permit consideration of a conscientious objector's claim whose religious convictions would allow him to enter into the military service, but would deny consideration to a conscientious objector's claim whose religious convictions forbade him to enter the military service.

Both of such conscientious objectors claim the same I-O classification, but only one is being granted, and the other denied a forum, for consideration of his post-induction order classification.

As a consequence, unless the Court excepts Petitioner's class of conscientious objectors from the Ehlert rule, then Petitioner contends that the statute as construed now violates the equal protection of the laws clause and is void.

Respectfully submitted,

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